

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 16309 of 2003

Between:

- 1 Ravi Ramesh, S/o. Venkataiah Chowdary,
 - 2 Venkataiah Chowdary, S/o. Pedda Venkatappa Naidu,
 - 3 Ravi Sugunamma, W/o. Venkataiah Chowdary,
 - 4 Mathangi Venkataiah, S/o. Mathangi Narasaiah,
- (All are residents of Balayapalli Village & Mandal, Nellore District).

..... PETITIONER(S)

AND

- 1 Cooperative Senior Inspector / Sale Officer, Venkatagiri, Nellore District.
- 2 The Secretary, Balayapalli Primary Agricultural Cooperative Society,
Balayapalli, Balayapalli Mandal, Nellore District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction particularly one in the nature of Writ of Mandamus, declaring the action of the respondents- 1 and 2 in insisting upon payment of arrears due under coercive methods from the Petitioners-1 to 4 in respect of the Crop Loan Account Nos. 522, 759, 615 and 135 respectively, as illegal, arbitrary and violative of principles of natural justice, and consequently direct the respondents herein to extend the time for setting the claims of the petitioners under "One Time Settlement Scheme", as per G.O.Ms.No. 70, Agriculture and Cooperation (Co-op. VI) Department, dated 22-2-2002 of the Government of Andhra Pradesh.

Counsel for the Petitioner:MR.P.BALAKRISHNA REDDY

Counsel for the Respondent No.2: MR.B.KAMALAKARA RAO

The Court made the following ORDER:

Heard both sides and at their request, the writ petition itself is taken up for final disposal at the stage of interlocutory application.

Petitioners' grievance is only against the action of the respondents herein seeking to recover the alleged arrears.

Though several contentions have been urged across the Bar, however, it is pointed out that this question is no longer *res integra*, in view of the judgment of this Court in W.P.No.15656 of 2003, dated 28-4-2004.

Following the said judgment, this writ petition is disposed of permitting the petitioners to make necessary application to the District Co-operative Central Bank, Nellore, to extend the benefit of One Time Settlement under G.O.Ms.No.70, Agriculture and Cooperative (Co.Op.VI) Department, dated 22-2-2002, within a period of two weeks from the date of receipt of a copy of this order. If the petitioners apply, the District Co-operative Central Bank, Nellore, shall consider the applicability of the said scheme for the loans obtained by the petitioners and communicate the necessary decision in this regard. Till the District Co-operative Central Bank decides on this aspect, no coercive steps shall be taken by the respondents against the petitioners to recover their loans. No costs.

02-08-2004

GJ

To

- 1 The Cooperative Senior Inspector / Sale Officer, Venkatagiri, Nellore District.
- 2 The Secretary, Balayapalli Primary Agricultural Cooperative Society,
Balayapalli, Balayapalli Mandal, Nellore District.
- 3 Two C.D. copies.